IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2872 OF 2006

The Liquidator, Vasantdada Sahakari Khat Karkhana Ltd. ... .Petitioner.
V/s
Sau.Ushadevi Shivajirao Nikam ....Respondent.

Mr.Y.S.Jahagirdar, Sr.Counsel, with Mr.Umesh Mankapure, Adv. For the petitioner.

M/s.Sandeep D. Patil and Prashant P.Jadhav, Adv. For the respondent.

CORAM: A.P.DESHPANDE, J.
3/7/07

PC:

The present petition has been filed by the Liquidator of Vasantdada Sahakari Khat Karkhana Ltd. The Liquidator is the defendant in the suit whereas the respondent is the plaintiff. By filing the plaint, the plaintiff seeks a declaration in regard to her ownership to the suit land admeasuring 40 Ars. The civil suit is of the year 2003. Allowing the application ad Exh.5 the trial Court has restrained the petitioner from disposing of the suit property after recording a finding that the plaintiff has made out prima facie case and that she would suffer irreparable loss in case property is disposed of by the Liquidator. The impugned order is passed on 15.3.2004 and the same continues to operate till date. The order passed by the trial a Court has been upheld by the First Appellate Court by dismissing the

miscellaneous civil appeal filed by the present petitioner. In this view of the matter I am of the clear view that in the facts of the present case there is no need to interfere with the impugned order. However ends of of justice would be met by directing the trial Court to dispose of the suit as expeditiously as possible preferably within four months from today. In the result writ petition is summarily dismissed.

3.7.07

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2873 OF 2006

The Liquidator, Vasantdada Sahakari Khat Karkhana Ltd. ... .Petitioner.

V/s

Sau.Ushadevi Shivajirao Nikam ....Respondent.

Mr.Y.S.Jahagirdar, Sr.Counsel, with Mr.Umesh Mankapure, Adv. For the petitioner.

Mr.Sandesh Patil, Adv. For the respondent No1.

CORAM: A.P.DESHPANDE, J.

3/7/07

PC:

The subject matter of present writ petition is rejection of an application moved by the present petitioner at Ex.36 seeking permission to dispose of 40 Ars of land which is the subject matter of the suit. As I have declined to interfere with the interlocutory order passed at Ex.5 in Writ Petition No.2872/06 the application at Ex.36 cannot be allowed till the decision of the suit. Hence there being no merit in writ petition, this writ petition also stands summarily dismissed.

3.7.07